



**CITY OF DETROIT
OFFICE OF THE OMBUDSMAN**
JOHN R. EDDINGS, CITY OMBUDSMAN

OMBUDSMAN BIENNIAL REPORT

July 2002 - June 2004

"Your Link to Better City Government"

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A BRIEF HISTORY OF THE DETROIT OFFICE OF THE OMBUDSMAN

The first three Detroit City Charters (1802, 1815 and 1857) were written by the Michigan Legislature during an era when cities were thought to be merely extensions or dependent subdivisions of the State. The ability of citizens in Michigan cities to autonomously address local issues via a city charter was virtually non-existent until adoption of the Home Rule Cities Act in 1909. The 1918 Detroit City Charter was the first time voters of the city approved a local governing document. The 1918 City Charter remained in effect for 56 years and was amended by voters over 200 times. Hopelessly outdated by the 1960's, Mayor Jerome P. Cavanagh appointed a study commission to determine whether a new charter should be devised. During 1970-1973, an elected Charter Commission drafted a revised charter that was approved by voters in November 1973 and effective July 1, 1974.

Among the goals for framers of the 1974 City Charter was to make city government more accessible and responsive to the citizens of Detroit. To that end, the 1970-1973 Charter Commission recognized that “... *individuals will experience breakdowns from time to time in dealing with both private and public agencies and (the proposed charter) seeks to help citizens in knowing and enforcing their rights by... creating a new office of ombudsman to assist the citizen with problems that arise in dealing with municipal agencies*”.

The new City Charter provided for an Ombudsman based on the Scandinavian model of a “citizen defender” appointed by the legislative body, in this case, the Detroit City Council. The Detroit Ombudsman is appointed to a single 10-year term by a 2/3 vote of the City Council and may be removed only for cause by the same vote. To promote independence in the office, the Ombudsman is permitted to appoint not more than six employees exempt from civil service provisions, in addition to a classified service staff. The Ombudsman is empowered by City Charter to investigate any official act of any city agency except the eleven elected city officials: the mayor, city clerk and members of the city council.

In the course of inquiries or investigations, the Charter requires that the Ombudsman have full assistance, cooperation and information from city departments. The Ombudsman may administer oaths, subpoena witnesses, take testimony and require the production of evidence relevant to any matter under investigation.

An appointee of the legislative branch of government, the Ombudsman must make periodic reports to the City Council, the purpose of which is to disclose systemic, critical or common issues that may be corrected by action of the Council. Each April, the Ombudsman reviews the proposed annual city budget as prepared by the Mayor and presented to City Council. That yearly report compares complaint volumes and other citizen issues received by the Ombudsman in light of proposed appropriations for the upcoming fiscal year recommended by the Mayor. Included with the Ombudsman review

of the proposed budget are essays on contemporary or emerging issues that affect the quality of life and delivery of city services to Detroit residents. The Ombudsman also prepares annual or bi-annual statistical summations of complaints received pertaining to all city agencies.

Section 4-318 of the 1974 City Charter provided that the question of whether the office of the Ombudsman shall be retained would be submitted to the voters of the city at the last election before the end of the 10-year term of the first ombudsman. On August 7, 1984, Detroit voters opted to retain the office of the Ombudsman by a 3-2 margin.

The current City Charter was drafted by the 1993-1996 elected Charter Revision Commission, approved by voters on August 6, 1996, and effective June 1, 1997. That Commission continued the office of the Ombudsman but did not provide for a future referendum on whether to retain the office, stating, *“If sufficient public support arises in favor of abolishing the office, City Council could place such a proposed amendment before the voters for their approval or rejection.”* In addition, the Commission empowered the Ombudsman to retain outside independent legal counsel when a conflict of interest exists between that office and another branch of municipal government. Finally, the 1993-1996 Charter Revision Commission noted, *“It is the belief of this Charter Revision Commission that the Office of the Ombudsman provides a vital resource to the citizens of Detroit that should be maintained”*.

The full text of sections of the Detroit City Charter relating to the Office of the Ombudsman appears at the end of this report.

The following persons have served as Detroit City Ombudsman:

Forrest F. Green	1974 to 1984
Marie Farrell-Donaldson	1984 to 1994
John R. Eddings	1995 to present (term expires January 5, 2005)

AN OVERVIEW OF INFORMATION PRESENTED IN THIS REPORT: CITIZEN CONTACTS & COMPLAINTS – WHAT DO THEY MEAN?

Each year, thousands of people contact the Office of the Ombudsman. Some merely seek direction, referral or information. Others ask for assistance after an unsatisfying experience with a city department. Many call to report either a problem specific to their circumstance or of a general nature. It is the role of the Ombudsman to represent complainants in an effort to ensure that each citizen receives service and an appropriate departmental response. Not all citizen “complaints” concerning city services, policy or departments are valid. Some arise from simple misunderstandings or incorrect beliefs held by residents. In such instances the Ombudsman attempts to clarify city policies or practices to complainants. Obviously, the Ombudsman is not the sole receiver of citizen complaints. The public may contact city departments directly, call elected officials or express dissatisfaction at the voting precinct on Election Day.

However, taken collectively and examined in detail over time, the thousands of citizen contacts directed to the Ombudsman give a reasonably accurate gauge of the direction and quality of city services provided and concerns of the general public. These contacts or complaints also serve to identify new problems and significant increases or decreases in the frequency of previously identified issues of importance to Detroit residents. When the Ombudsman collects, quantifies and publishes this information, the City Council, Mayor and city departments have the opportunity to alter public policy or reallocate resources in an attempt to reduce or eliminate reported areas of concern as expressed by the People of the City of Detroit.

The Office of the Ombudsman receives complaints and requests for assistance in person, by telephone, mail and via the office website. Data is recorded for complaints regarding city departments within specific categories. The information is also maintained by location and date for additional analysis. Not surprisingly, city departments that provide a wide array of services or have substantial duties on behalf of the vast majority of the public are the subjects of more complaints than those with little public contact or that have limited scope of duties. Therefore, this report focuses on the issues raised by the public for the following seven major city departments: **BUILDINGS & SAFETY ENGINEERING, FINANCE, PLANNING & DEVELOPMENT, POLICE, PUBLIC LIGHTING, PUBLIC WORKS, and WATER & SEWERAGE**

Information concerning complaints or inquiries directed to departments are grouped into broad major categories for each agency. While the scope of potential complaint subjects in the Ombudsman Complaint Management System contains hundreds of specific complaint topics, this report collects and groups similar citizen complaints into major categories in order to present information in a manner readily comprehended from which broad conclusions may be inferred.

Caution must be used when examining complaints directed to departments. A large number of complaints does not necessarily mean a city agency is inattentive to citizen concerns. Each department operates within a budget adopted by the Mayor and City Council within the constraints of the financial position of the City of Detroit. However, it is one of the goals of the Ombudsman to quantify and describe significant, severe or *systemic* problems as expressed by the People of the City of Detroit. By doing so, this data is an additional tool that may be used by the leadership of the City of Detroit to more effectively allocate municipal resources in the development of sound public policy.

In addition to information on the eight major departments contained in this report, the following page contains summary statistics on citizen contacts and complaints for all departments over the past ten years.

City Ombudsman John R. Eddings and the Office of the Ombudsman staff express their thanks for the cooperation and efforts made by each department and city employees on behalf of the People of the City of Detroit.

COMPLAINTS & CONTACTS – ALL CITY DEPARTMENTS

TEN YEAR SUMMARY – JULY 1, 1994 – JUNE 30, 2004

DEPARTMENT	<u>FY 94-95</u>	<u>FY 95-96</u>	<u>FY 96-97</u>	<u>FY 97-98</u>	<u>FY 98-99</u>	<u>FY 99-00</u>	<u>FY 00-01</u>	<u>FY 01-02</u>	<u>FY 02-03</u>	<u>FY 03-04</u>	<u>10 YEAR AVERAGE</u>
AIRPORT	1	3	0	1	1	0	3	0	0	0	1
ARTS	1	0	1	0	0	0	0	0	0	0	-
AUDITOR GENERAL	0	0	0	0	0	0	1	0	0	0	-
BUDGET	0	0	0	0	0	0	0	0	0	0	-
DWJBA	1	1	0	0	2	0	1	0	0	1	-
B&SE	361	293	461	248	305	360	351	354	302	292	367
CABLE COMM.	4	0	0	0	3	0	2	2	0	0	1
CITY CLERK	2	0	0	0	1	0	0	0	0	0	-
PLANNING COMM.	0	0	0	0	0	0	2	0	0	0	-
CIVIC CENTER	0	0	0	1	0	1	4	0	0	1	1
CONSUMER AFFAIRS	2	2	6	3	3	4	1	2	2	1	3
ARTS COUNCIL	0	0	0	0	0	0	0	0	0	0	-
ITS	0	0	0	0	0	0	0	0	0	0	-
ELECTIONS	3	0	1	0	0	0	0	1	0	2	1
EMPLOY. & TRAIN.	3	0	0	0	0	0	0	0	2	0	-
FINANCE	65	25	24	47	67	81	214	299	218	173	121
FIRE	28	10	15	5	9	10	14	18	15	11	14
HEALTH	104	75	101	91	43	66	72	68	63	114	80
HISTORICAL	1	0	0	0	0	0	0	0	0	0	-
HOUSING	37	10	11	2	17	13	15	12	14	22	15
HUMAN RES.	4	0	6	0	6	6	18	10	13	6	7
HUMAN RIGHTS	2	0	2	0	0	0	0	0	0	0	-
HUMAN SERVICES	9	0	6	1	0	0	5	0	0	0	2
LAW	15	6	4	5	8	11	22	0	0	0	7
MAYOR	1	1	0	1	0	0	0	2	1	1	1
MUN. PARKING	16	7	10	12	12	8	21	14	18	26	14
P&DD	87	76	119	119	101	96	108	119	74	61	96
POLICE	545	335	379	255	273	382	644	777	557	436	458
CCSD/DPI	0	0	0	0	0	0	0	0	0	0	-
PLD	119	422	498	201	279	134	157	312	172	456	275
DPW	950	634	863	589	543	697	1142	1028	623	428	750
RECREATION	122	111	193	117	201	174	22	37	39	15	103
SENIOR CITIZEN	0	0	0	0	0	0	1	0	1	0	-
D-DOT	57	19	14	12	14	24	29	18	29	12	23
DWSD	241	261	249	148	173	219	342	342	381	310	267
BZA	2	1	0	0	0	1	0	0	1	0	-
ZOO	1	1	0	0	0	1	0	0	0	0	-
TOTALS	<u>2782</u>	<u>2293</u>	<u>2963</u>	<u>1858</u>	<u>2061</u>	<u>2288</u>	<u>3191</u>	<u>3415</u>	<u>2525</u>	<u>2368</u>	<u>2574</u>

BUILDINGS & SAFETY ENGINEERING DEPARTMENT

LOCATION: 401 Coleman A. Young Municipal Center
Detroit, MI 48226
224-3251

AUTHORITY: City Charter Article 7 Chapter 4

JURISDICTION: The Department has quasi-police powers for enforcement of the various ordinances under its jurisdiction which provide for the health, safety and welfare of the People. The Department is comprised of the following divisions: Building Inspection, Electrical & Mechanical Inspection, Plumbing & Housing Inspection and Permits & Licenses. B&SE enforces the city Zoning Ordinance and jointly with the Health Department, the State Housing Law. The Department is headed by a Director appointed by and serving at the pleasure of the Mayor.

COMPLAINTS & INQUIRIES REFERRED TO DEPARTMENT BY MAJOR CATEGORY

ISSUE	JULY 2002 - JUNE 2003	JULY 2003 – JUNE 2004	2 YEAR AVERAGE: FY 2002 & 2003	6 YEAR AVERAGE: FY 1998 - 2003
DANGEROUS BUILDINGS	147	209	178	198
CODE/ZONING VIOLATIONS	101	47	74	68
PERMITS, MISC & ADMINISTRATIVE	25	5	15	17
ALL SALES INSPECTIONS	5	16	11	6
NUISANCE ABATEMENT	16	8	12	12
CAR REPAIR & STOREAGE	8	7	8	26
TOTAL	302	292	297	327

COMPLAINT SUMMARY: About two of three complaints or inquiries sent to BS&E are from residents concerned about buildings that are vacant, vandalized and open to trespass. Most are fire-damaged and severely dilapidated residential structures or garages and repairs are not feasible. Area residents seek to have these structures demolished and securely barricaded against trespass until demolition occurs. Code and zoning complaints are generally from nearby residents that allege improper land or building use or nuisance conditions. The Nuisance Abatement Program allows reclamation of abandoned residential buildings that are suitable for renovation. Complaints in this category relate to the time required to acquire such properties or the nuisance conditions that exist at the sites prior to renovation commencing. Complaints regarding cars allege that residential properties are used to commercially repair or store inoperative vehicles.

FINANCE DEPARTMENT

LOCATION: 1200 Coleman A. Young Municipal Center
Detroit, MI 48226
224-3491

AUTHORITY: City Charter Article 6 Chapter 3

JURISDICTION: The Department is headed by a director appointed by and serving at the pleasure of the mayor and organized into four divisions: Accounts, Assessments, Treasury and Purchasing. The Finance Director, with the approval of the Mayor, appoints Directors of the Accounts, Treasury and Purchasing Divisions, all of whom serve at the pleasure of the Finance Director. The Accounts Division maintains financial records of the city and other duties. A three member Board of Assessors appointed by the Mayor heads the Assessments Division and performs duties as provided by law. The Treasury Division collects and deposits all monies of the city including property and income taxes, retains custody of all monies, funds and securities and disburses city funds in accordance with law. The Purchasing Division, in accordance with procedures established by ordinance procures goods, property and services within appropriations on behalf of the city and disposes of city property unsuitable for public use.

COMPLAINTS & INQUIRIES REFERRED TO DEPARTMENT BY MAJOR CATEGORY

ISSUE	JULY 2002 – JUNE 2003	JULY 2003 – JUNE 2004	2 YEAR AVERAGE FY 2002 & 2003	6 YEAR AVERAGE: FY 1998 – FY 2003
ASSESSMENTS	32	38	35	30
LATE INCOME TAX REFUNDS	45	14	30	46
PROPERTY TAX BILLINGS, PAYMENT DISPUTES	92	96	94	64
PENSION & BENEFIT	13	7	10	7
MISC & ADMINISTRATIVE	36	18	22	21
TOTAL	218	173	191	168

COMPLAINT SUMMARY: From about 1998 to 2001, the number of complaints regarding late refunds increased significantly from an annual average of a dozen or so to a high of 103 in FY 2000-2001 and was the most common department issue. The past two years show reductions to pre-1998 levels. Complaints regarding property tax billings have increased by 50% or more since 2000 and are now the most frequent departmental issue reason. Citizens allege incorrect amounts billed, uncredited payments and penalties or interest on past unpaid balances. Pension or benefit inquiries are generally on behalf of retirants who, upon retirement, experience gaps in medical insurance or alleged incorrect pension computation. Assessment complaints directed to the Finance Department reflect unreduced Assessment Roll Reductions or complaints concerning special assessments.

Miscellaneous complaints are those from citizens stating that department telephones calls are unanswered when seeking income or property tax information.

PLANNING AND DEVELOPMENT DEPARTMENT

LOCATION: 65 Cadillac Square
Detroit, MI 48226
224-6380

AUTHORITY: City Charter Article 6 Chapter 2

JURISDICTION: The Department is headed by a Director appointed by and serving at the pleasure of the Mayor. Duties include obtaining all information and studies required for the development of a master plan for social, economic and physical development and conservation of the city; the annual capital agenda and budget; development and renewal projects and proposals for the demolition, disposition or relinquishment of public real property.

COMPLAINTS & INQUIRIES REFERRED TO DEPARTMENT BY MAJOR CATEGORY

ISSUE	JULY 2002 – JUNE 2003	JULY 2003 – JUNE 2004	2 YEAR AVERAGE: FY 2002 & FY 2003	6 YEAR AVERAGE: FY 1998 – FY 2003
PROPERTY SALES	21	12	17	29
GRANT ADMINISTRATION	5	12	9	9
NUISANCE CONDITIONS ON CITY-OWNED PROPERTY	40	31	35	50
MISC & ADMINISTRATIVE	8	6	7	7
TOTAL	74	61	58	95

COMPLAINT SUMMARY: Complaints regarding the sale of city property, which are most often tax-reverted parcels are varied. Issues include the inability of the City to quickly provide clear titles and deeds to properties sold to purchasers and claims of no response by the City to prospective buyers. Protests about the time to consummate deals or lack of notification to adjacent or nearby residents are frequent. Complaints arising from the time required to close an alley are included in the miscellaneous category.

The most common citizen complaint concerns the condition of City-owned vacant land and buildings. Often vacant, vandalized, open to trespass and fire damaged, such structures generate complaints that these sites are not only unsightly, but present health and safety issues for area residents. Such properties are also allegedly used for a variety of illegal purposes as drug sales, prostitution and illegal dumping.

POLICE DEPARTMENT

LOCATION : 1300 Beaubien
Detroit, MI 48226
596-1800

AUTHORITY: City Charter Article 7 Chapter 11

JURISDICTION: By City Charter, the Mayor is the conservator of the peace and the Police Department shall preserve the public peace, prevent crime, arrest offenders, protect the rights of persons and property, guard the public health, preserve order and enforce the laws of the United States, State of Michigan and the ordinances of the City of Detroit. The Department is headed by a five-member Board of Police Commissioners appointed by the Mayor subject to approval of the City Council. Principle duties of the Board include establishment of department policies, rules and regulations; reviewing and approving the annual department budget before submission to the Mayor; and making an annual public report of department activities including the handling of crime and complaints and future plans. A Chief of Police, appointed by and serving at the pleasure of the Mayor, is the department chief executive and administers the Department under policies, rules and regulations established by the Board of Police Commissioners.

COMPLAINTS & INQUIRIES DIRECTED TO THE DEPARTMENT BY MAJOR CATEGORY

ISSUE	JULY 2002 – JUNE 2003	JULY 2003 – JUNE 2004	2 YEAR AVERAGE: FY 2002 & 2003	6 YEAR AVERAGE: FY 1998 – FY 2003
FAILURE TO INVESTIGATE	43	19	31	47
DRUG TRAFFIC	55	86	71	78
REQUEST FOR INVESTIGATION	78	66	72	70
ILLEGAL DUMPING IN PROGRESS	8	10	9	15
ABANDONED VEHICLES	328	216	272	281
TRAFFIC, RACING, ETC.	18	20	19	17
MISC & ADMINISTRATIVE	25	17	21	21
UNTIMELY 911 RESPONSE	2	2	2	4
TOTAL	557	436	497	533

COMPLAINT SUMMARY: About half of Ombudsman inquiries directed to the Police Department are from citizens reporting drug activity or requesting special attention be given to a particular site due to nuisance conditions or other suspected or observed illegal activities. A portion of such complaints are from persons who have previously contacted the Department and believe that the same condition exists because the Department failed to investigate their allegations. The number of complaints regarding abandoned vehicles continues to be a major issue reported, as citizens are concerned both about the presence

of such vehicles and the time required to be removed. During 1997-1999, the Ombudsman referred less than 100 complaints to the Department regarding abandoned vehicles, compared to FY 2000-2001 when 500 such referrals were made. FY 2002-2003 showed a drop in such complaints as the Ombudsman received 328 reports of abandoned vehicles. A further reduction occurred in FY 2003-2004 with 216 complaints about abandoned vehicles and the time necessary for removal.

PUBLIC LIGHTING DEPARTMENT

LOCATION: 9449 Grinnell
Detroit, MI 48213
267-7202

AUTHORITY: City Charter Article 7 Chapter 12

JURISDICTION: The Department is headed by a Director appointed by and serving at the pleasure of the Mayor. A five-member advisory commission is also appointed by the Mayor and serves at his pleasure. The Public Lighting Department shall supervise and control all public lighting and public lighting plants. It may also furnish and sell light, heat or power to any person, corporation or business to the extent permitted by law.

COMPLAINTS & INQUIRIES REFERRED TO DEPARTMENT BY MAJOR CATEGORY

ISSUE	JULY 2002 – JUNE 2003	JULY 2003 – JUNE 2004	2 YEAR AVERAGE: FY 2002 & FY 2003	6 YEAR AVERAGE: FY 1998 – FY 2003
INOPERABLE, INSUFFICIENT OR DAMAGED STREET OR ALLEY LIGHTING	169	446	308	245
INOPERATIVE TRAFFIC SIGNALS	3	10	7	6
MISC. & ADMINISTRATIVE	0	0	0	1
TOTAL	172	456	315	252

COMPLAINT SUMMARY: Virtually all complaints or inquiries directed to the Public Lighting Department concern street lights in residential areas that are not working. Some citizens request additional street lighting on residential streets. With few exceptions, complainants state that inoperative lights have been non-functioning for extended periods of time, often as long as a year or more. According to citizens, few, if any, requests for additional street lighting are granted.

After a significant decline from the 400-500 annual complaints received during 1995-1997 to an average of just over 200 in the past six years, the Ombudsman received complaints from 456 citizens regarding inoperable street lighting in FY 2003-2004.

DEPARTMENT OF PUBLIC WORKS

LOCATION: 513 Coleman A. Young Municipal Center
Detroit, MI 48226
224-3900

AUTHORITY: City Charter Article 7 Chapter 7

JURISDICTION: The Department headed by a Director appointed by and serving at the pleasure of the Mayor. While the principal duty associated with the department is the management, collection and disposal of garbage and debris, the department also performs other substantial duties. Such duties include enforcing the environmental ordinances of the city; construction, maintenance demolition and engineering design of streets, alleys and public buildings; establishment and maintenance of systems and devices for safe and expeditious regulation and control of traffic within the city; and other functions to improve the environmental quality of the city. DPW also may repair defective or unsafe sidewalks after first giving the owner of premises' an opportunity to repair. Costs to repair shall be billed to the appropriate party and be a lien upon the property if unpaid.

COMPLAINTS & INQUIRIES REFERRED TO DEPARTMENT BY MAJOR CATEGORY

ISSUE	JULY 2002 – JUNE 2003	JULY 2003 – JUNE 2004	2 YEAR AVERAGE FY 2002 & FY 2003	6 YEAR AVERAGE: FY 1998 – FY
DEMOLITION OF VACANT BLDGS	0	18	9	32
STREET, ALLEY & SIDEWALK REPAIRS	216	213	215	225
MISC. & DAMAGE CLAIMS	71	24	45	39
TRAFFIC ENGINEERING	55	43	49	43
INSPECTIONS REQUESTED	66	(NOW ASSIGNED TO DEPARTMENT OF ENVIRONMENT)	NOT APPLICABLE	5 YEAR AVERAGE: FY 1998 – FY 2002 117
SOLID WASTE COLLECTION	82	57	69	42
ILLEGAL DUMPING	33	(NOW ASSIGNED TO DEPARTMENT OF ENVIRONMENT)	NOT APPLICABLE	5 YEAR AVERAGE: FY 1998 – FY 2002 100
RATS – VERMIN	11	(NOW ASSIGNED TO DEPARTMENT OF ENVIRONMENT)	NOT APPLICABLE	5 YEAR AVERAGE: FY 1998 – FY 2002 41
WEED CUTTING REQUESTED	61	72	66	98
WEED BILLING DISPUTED	19	1	10	14
BULK PICKUP	9	0	4	19
TOTAL	623	428	525	770

** Responsibility for tree trimming and removal, formerly assigned to Recreation, is now the responsibility of DPW as of FY 2000-2001. Complaints regarding trees previously sent to Recreation are included in the 5 year average for purposes of comparison.*

COMPLAINT SUMMARY: The most complaints or requests for action to DPW are those seeking repairs or improvements to public alleys, sidewalks and city maintained streets. Several categories of complaints to the Department are related to abandoned housing or recently demolished residential structures. Citizens frequently complain about the length of time necessary to demolish dilapidated or dangerous buildings and in the interim, complaints are common about rats and vermin at such locations, debris, and illegal dumping, resulting in requests for environmental inspections. The Department also receives many complaints about high weeds at both privately held and city owned vacant lots, most of which contained residences that were abandoned and subsequently demolished. A related issue is that of disputes as to whether weed cutting or mowing was done on some private lots. Citizens receiving bills for weed cutting claim that lots are properly maintained or fenced in so as to make mowing unnecessary.

As of Fiscal Year 2000-2001, responsibility for tree trimming and removal is now assigned to DPW and is the second most common problem reported to the Ombudsman. Such trees are damaged, diseased, or dead and are potentially dangerous, unsightly, damaging to sidewalks and often obscure traffic signs. Traffic Engineering complaints concern the quality, need or presence of traffic signs or lights and parking restrictions. Garbage collection, probably the best known function of the Department generates little controversy the timeliness or quality of collection, except those complaints from residents alluding to the early placement of bulk item curbside well in advance of a specified collection day.

WATER AND SEWERAGE DEPARTMENT

LOCATION: 735 Randolph
Detroit, MI 48226
224-4800

AUTHORITY: City Charter Article 7 Chapter 15

JURISDICTION: The Department is headed by a seven-member commission appointed by and serving at the pleasure of the mayor who, with the approval of the mayor, appoint a department director and deputy director. Operating divisions within the department include Wastewater Operations, Administrative Support, Technical Support and Water Supply Operations. DWSD supplies water, drainage and sewerage services to customers within and outside the city. The Board of Water Commissioners is empowered to periodically establish rates for services to be paid by Detroit residents or property owners, non-resident owners, municipalities and private agencies. All funds paid to the DWSD from fees collected for water, drainage or sewerage services are used exclusively for the payment of expenses incurred in providing such services.

COMPLAINTS & INQUIRIES REFERRED TO DEPARTMENT BY MAJOR CATEGORY

ISSUE	JULY 2002 – JUNE 2003	JULY 2003 – JUNE 2004	2 YEAR AVERAGE FY 2002 & 2003	6 YEAR AVERAGE FY 1998 – FY 2003
METER, PAYMENT OR BILLING DISPUTE	60	63	62	51
CATCH BASINS, MANHOLE, SEWERS, WATER SYSTEMS OR FLOODING	201	169	185	148
LEAKING HYDRANTS	17	14	15	13
CONSTRUCTION DAMAGE CLAIMS	66	47	57	66
QUALITY OR PRESSURE	6	3	4	3
MISC & ADMINISTRATIVE	31	14	23	19
TOTAL	381	310	346	300

COMPLAINT SUMMARY: Blocked catch basins or sewers that result in street or property flooding, including basements account for about half of issues referred to the Department. Second in frequency are complaints regarding construction or maintenance of water systems. Complainants state that sites are not satisfactorily cleaned up, or damage to streets or lawns has not been repaired. Billing disputes concern both the alleged inaccuracy of meters or claimed shutoff of service without notice. Some billing disputes arise from citizens unable or unwilling to adopt a repayment plan to continue service that is satisfactory to the Department.

**EXCERPTS FROM THE 1997 DETROIT CITY CHARTER
OMBUDSMAN POWERS AND DUTIES**

ARTICLE 4. The Legislative Branch, Chapter 3. Ombudsperson

Sec. 4-301. Ombudsperson.

The ombudsperson shall be appointed by a two-thirds (2/3) majority of city council members serving.

Sec. 4-302. Term of Office.

The ombudsperson's term is ten (10) years.

The ombudsperson may be removed for cause by a two-thirds (2/3) majority of city council members serving.

Any person who has held the position of ombudsperson is not eligible for re-appointment.

Sec. 4-303. Vacancy.

If a vacancy occurs in the office of ombudsperson, the city council shall, within sixty (60) days, fill the office for a full term.

Sec. 4-304. Salary.

The salary of the ombudsperson is equal to the salary of the auditor general.

Sec. 4-305. Staff.

To carry out the responsibilities of the office, the ombudsperson may, within appropriations, appoint not more than six (6) employees who are exempt from Article 6, Chapter 5 of this Charter. The number of exempt positions on the ombudsperson's staff may be increased by a majority of city council members serving.

Sec. 4-306. Definition.

In this chapter, "official act" means any action, omission, decision, recommendation, practice or procedure of any agency.

Sec. 4-307. Jurisdiction.

The ombudsperson may investigate any official act of any agency except elective officers which aggrieves any person.

The authority of the ombudsperson extends equally to all agencies. However, with respect to any investigation authorized by this charter to be made by an agency having subpoena power, the ombudsperson may only investigate and report whether the agency's investigation and hearing, if any, was conducted fully and fairly.

The ombudsperson may establish procedures for receiving and processing complaints, conducting investigations and hearings, and reporting findings, No fee shall be levied for the filing or investigation of complaints.

Sec. 4-308. Powers of Investigation.

The ombudsperson may request and shall be given necessary assistance and information by each agency. The ombudsperson may subpoena witnesses, administer oaths, take testimony, require the production of evidence relevant to a matter under investigation, enter and inspect premises within control of any agency during regular business hours, and establish rules of procedure. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the ombudsperson shall apply to the appropriate court.

Where there exists a conflict of interest between the ombudsperson and another branch of government, the ombudsperson has the authority to retain an attorney licensed to practice law in Michigan who shall represent the ombudsperson in legal proceedings. Such attorney shall not represent the city as a municipal corporation in any legal proceeding.

Sec. 4-309. Delegation of Powers.

The ombudsperson may delegate in writing to a member of the staff the power to administer oaths and take testimony.

A delegation is revocable at will and does not prevent exercise of any power by the ombudsperson.

Sec. 4-310. Correspondence from Person Detained.

Any letter to the ombudsperson from a person in a place of detention, penal or otherwise, under the control of an agency shall immediately be forwarded, unopened, to the ombudsperson.

Sec. 4-311. Consultation Required.

1. No report or recommendation that criticizes an official act shall be announced until every agency or person affected is allowed a reasonable opportunity to be heard with the aid of counsel.
2. After the hearing, if the ombudsperson believes it necessary to make a formal report, a copy of any statement made by an agency or person affected shall accompany the report.

Sec. 4-312. Reports.

The ombudsperson shall make periodic reports to the city council of action taken under this chapter. All reports shall be made public.

Sec. 4-313. Duty to Report Illegal Acts.

If the ombudsperson has probable cause to believe that any elective officer, appointee, employee or member of an agency or any person doing or seeking to do business with an agency had committed or is committing any illegal act, the ombudsperson shall promptly refer the matter to the appropriate authorities.

Sec. 4-314. Obstruction.

The office or position of any elective officer or appointee who willfully and without justification or excuse obstructs any investigation of the ombudsperson by withholding documents or testimony may be forfeited under section 2-107(2) of this Charter.

Sec. 4-315. Immunity

The ombudsperson and the staff shall be, to the full extent permitted by law, immune from any suit based on any report or communication within the scope of official duties.

Sec. 4-316. Limitations.

The ombudsperson may not hold any office of trust or profit other than the office of ombudsperson, or engage in any occupation for profit outside the duties of this office. The ombudsperson is not eligible to hold any city office until two (2) years after leaving the position.

Sec. 4-317. Remedies Cumulative.

The remedies of this chapter are additional to those provided under any other law.